

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

PAUL S. KLEIN,

Plaintiff,

v.

DWIGHT NEVEN et al.,

Defendants.

3:14-cv-587-RCJ-WGC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has filed an application to proceed *in forma pauperis* and a motion for temporary restraining order. (ECF No. 1, 1-1). Plaintiff has not filed a complaint in this matter and has filed an incomplete application to proceed *in forma pauperis*.

Pursuant to Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30) days from the date of this order to submit a complaint to this Court.

Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted an inmate account statement. (See ECF No. 1). As such, the *in forma pauperis* application is denied without prejudice. Plaintiff will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file a new application to proceed *in forma pauperis* he must file a fully complete application to proceed *in forma pauperis*.

1 **II. CONCLUSION**

2 For the foregoing reasons, IT IS ORDERED that Plaintiff shall submit a complaint to this
3 Court within thirty (30) days from the date of this order.

4 IT IS FURTHER ORDERED that the Clerk of the Court shall send to Plaintiff the
5 approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same.

6 IT IS FURTHER ORDERED that Plaintiff's application to proceed *in forma pauperis*
7 (ECF No. 1) is denied without prejudice to file a new application.

8 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
9 form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled
10 information and instructions for filing an *in forma pauperis* application.

11 IT IS FURTHER ORDERED that within thirty (30) days from the date of this order,
12 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
13 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
14 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
15 administrative fee).

16 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
17 dismissal of this action may result.

18 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the motion for
19 temporary restraining order (ECF No. 1-1), but shall not file it at this time. The Clerk of the
20 Court shall send Plaintiff a copy of his motion for temporary restraining order (ECF No. 1-1).

21
22 DATED: This 19th day of November, 2014.

23
24 
25 _____
26 United States Magistrate Judge
27
28